

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 145

HOUSE BILL 2210

AN ACT

AMENDING SECTION 9-471, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ANNEXATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-471, Arizona Revised Statutes, is amended to
3 read:

4 9-471. Annexation of territory; procedures; notice; petitions;
5 access to information; restrictions

6 A. The following procedures are required to extend and increase the
7 corporate limits of a city or town by annexation:

8 1. A city or town shall file in the office of the county recorder of
9 the county in which the annexation is proposed a blank petition required by
10 paragraph 4 of this subsection setting forth a description and an accurate
11 map of all the exterior boundaries of the territory contiguous to the city
12 or town proposed to be annexed. Notice and a copy of the filing shall be
13 given to the clerk of the board of supervisors and to the county
14 assessor. The accurate map shall include all county rights-of-way and
15 roadways with no taxable value that are within or contiguous to the exterior
16 boundaries of the area of the proposed annexation. If state land, other than
17 state land utilized as state rights-of-way or land held by the state by tax
18 deed, is included in the territory, written approval of the state land
19 commissioner and the selection board established by section 37-202 shall also
20 be filed.

21 2. Signatures on petitions filed for annexation shall not be obtained
22 for a waiting period of thirty days after filing the blank petition.

23 3. After filing the blank petition pursuant to paragraph 1 of this
24 subsection, the governing body of the city or town shall hold a public
25 hearing within the last ten days of the thirty day waiting period to discuss
26 the annexation proposal. The public hearing shall be held in accordance with
27 the provisions of title 38, chapter 3, article 3.1, except that,
28 notwithstanding the provisions of section 38-431.02, subsections C and D, the
29 following notices of the public hearing to discuss the annexation proposal
30 shall be given at least six days before the hearing:

31 (a) Publication at least once in a newspaper of general circulation,
32 which is published or circulated in the city or town and the territory
33 proposed to be annexed, at least fifteen days before the end of the waiting
34 period.

35 (b) Posting in at least three conspicuous public places in the
36 territory proposed to be annexed.

37 (c) Notice by first class mail sent to the chairman of the board of
38 supervisors of the county in which the territory proposed to be annexed is
39 located.

40 (d) Notice by first class mail with an accurate map of the territory
41 proposed to be annexed sent to each owner of the real and personal property
42 as shown on the list furnished pursuant to subsection G of this section that
43 would be subject to taxation by the city or town in the event of annexation
44 in the territory proposed to be annexed. For THE purposes of this

1 subdivision, real and personal property includes mobile, modular and
2 manufactured homes and trailers only if the owner also owns the underlying
3 real property.

4 4. Within one year after the last day of the thirty day waiting period
5 a petition in writing signed by the owners of one-half or more in value of
6 the real and personal property and more than one-half of the persons owning
7 real and personal property that would be subject to taxation by the city or
8 town in the event of annexation, as shown by the last assessment of the
9 property, may be circulated and filed in the office of the county recorder.
10 For THE purposes of this paragraph, real and personal property includes
11 mobile, modular and manufactured homes and trailers only if the owner also
12 owns the underlying real property.

13 5. No alterations increasing or reducing the territory sought to be
14 annexed shall be made after a petition has been signed by a property owner.

15 6. The petitioner shall determine and submit a sworn affidavit
16 verifying that no part of the territory for which the filing is made is
17 already subject to an earlier filing for annexation. The county recorder
18 shall not accept a filing for annexation without the sworn affidavit.

19 B. All information contained in the filings, the notices, the
20 petition, tax and property rolls and other matters regarding a proposed or
21 final annexation shall be made available by the appropriate official for
22 public inspection during regular office hours.

23 C. Any city or town, the attorney general, the county attorney, or any
24 other interested party may upon verified petition move to question the
25 validity of the annexation for failure to comply with the provisions of this
26 section. The petition shall set forth the manner in which it is alleged the
27 annexation procedure was not in compliance with the provisions of this
28 section and shall be filed within thirty days after adoption of the ordinance
29 annexing the territory by the governing body of the city or town and not
30 otherwise. The burden of proof shall be upon the petitioner to prove the
31 material allegations of his verified petition. No action shall be brought
32 to question the validity of an annexation ordinance unless brought within the
33 time and for the reasons provided in this subsection. All hearings provided
34 by this section and all appeals therefrom shall be preferred and heard and
35 determined in preference to all other civil matters, except election actions.
36 In the event more than one petition questioning the validity of an annexation
37 ordinance is filed, all such petitions shall be consolidated for hearing. If
38 two or more cities or towns show the court that they have demonstrated an
39 active interest in annexing any or all of the area proposed for annexation,
40 the court shall consider any oral or written agreements or understandings
41 between or among the cities and towns in making its determination pursuant
42 to this subsection.

43 D. The annexation shall become final after the expiration of thirty
44 days from the adoption of the ordinance annexing the territory by the city

1 or town governing body, provided the annexation ordinance has been finally
2 adopted in accordance with procedures established by statute, charter
3 provisions, or local ordinances, whichever is applicable, subject to the
4 review of the court to determine the validity thereof if petitions in
5 objection have been filed.

6 E. For the purpose of determining the sufficiency of the percentage
7 of the value of property under this section, such values of property shall
8 be determined as follows:

9 1. In the case of property assessed by the county assessor, values
10 shall be the same as shown by the last assessment of the property.

11 2. In the case of property valued by the department of revenue, values
12 shall be appraised by the department in the manner provided by law for
13 municipal assessment purposes.

14 F. For the purpose of determining the sufficiency of the percentage
15 of persons owning property under this section, the number of persons owning
16 property shall be determined as follows:

17 1. In the case of property assessed by the county assessor, the number
18 of persons owning property shall be as shown on the last assessment of the
19 property.

20 2. In the case of property valued by the department of revenue, the
21 number of persons owning property shall be as shown on the last valuation of
22 the property.

23 3. If an undivided parcel of property is owned by multiple owners,
24 such owners shall be deemed as one owner for the purposes of this section.

25 4. If a person owns multiple parcels of property, such owner shall be
26 deemed as one owner for the purposes of this section.

27 G. The county assessor and the department of revenue, respectively,
28 shall furnish to the city or town proposing an annexation within thirty days
29 after a request therefor a statement in writing showing the owner, the
30 address of each owner and the appraisal and assessment of all such property.

31 H. Territory is not contiguous for the purposes of subsection A,
32 paragraph 1 of this section unless:

33 1. It adjoins the exterior boundary of the annexing city or town for
34 at least three hundred feet.

35 2. It is, at all points, at least two hundred feet in width, excluding
36 rights-of-way and roadways.

37 3. The distance from the existing boundary of the annexing city or
38 town where it adjoins the annexed territory to the furthest point of the
39 annexed territory from such boundary is no more than twice the maximum width
40 of the annexed territory.

41 I. A city or town shall not annex territory if as a result of such
42 annexation unincorporated territory is completely surrounded by the annexing
43 city or town.

1 J. Notwithstanding any provisions of this article to the contrary, any
2 town incorporated prior to 1950 which had a population of less than two
3 thousand persons by the 1970 census and which is bordered on at least three
4 sides by Indian lands may annex by ordinance territory owned by the state
5 within the same county for a new townsite which is not contiguous to the
6 existing boundaries of the town.

7 K. The provisions of subsections H and I of this section shall not
8 apply to territory which is surrounded by the same city or town or which is
9 bordered by the same city or town on at least three sides.

10 L. A city or town annexing an area shall adopt zoning classifications
11 which permit densities and uses no greater than those permitted by the county
12 immediately before annexation. Subsequent changes in zoning of the annexed
13 territory shall be made according to existing procedures established by the
14 city or town for the rezoning of land.

15 M. The annexation of territory within six miles of territory included
16 in a pending incorporation petition filed with the county recorder pursuant
17 to section 9-101.01, subsection C shall not cause an urbanized area to exist
18 pursuant to section 9-101.01 which did not exist prior to the annexation.

19 N. As an alternative to the procedures established in this section,
20 a county right-of-way or roadway with no taxable real property may be annexed
21 to an adjacent city or town by mutual consent of the governing bodies of the
22 county and city or town if the property annexed is adjacent to the annexing
23 city or town for the entire length of the annexation and if the city or town
24 and county each approve the proposed annexation as a published agenda item
25 at a regular public meeting of their governing bodies.

26 O. On or before the date the governing body adopts the ordinance
27 annexing territory, the governing body shall have approved a plan, policy or
28 procedure to provide the annexed territory with appropriate levels of
29 infrastructure and services to serve anticipated new development within ten
30 years after the date when the annexation becomes final pursuant to subsection
31 D of this section.

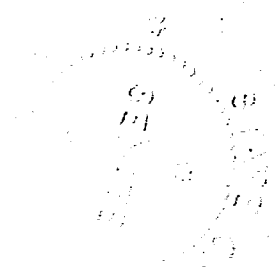
32 P. If a property owner prevails in any action to challenge the
33 annexation of the property owner's property, the court shall allow the
34 property owner reasonable attorney fees and costs relating to the action from
35 the annexing municipality.

36 Q. A city or town may annex territory that is a county owned park,
37 OR a park operated on public lands by a county as part of a management
38 agreement ~~or land owned by a flood control district~~ if otherwise agreed to
39 by the board of supervisors. IF THE BOARD OF SUPERVISORS DOES NOT AGREE TO
40 THE ANNEXATION, THE COUNTY OWNED PARK OR PARK OPERATED ON PUBLIC LANDS BY A
41 COUNTY AS PART OF A MANAGEMENT AGREEMENT SHALL BE EXCLUDED FROM THE
42 ANNEXATION AREA, NOTWITHSTANDING SUBSECTIONS H AND I OF THIS SECTION. A
43 COUNTY OWNED PARK OR PARK OPERATED ON PUBLIC LANDS BY A COUNTY AS PART OF A
44 MANAGEMENT AGREEMENT THAT IS EXCLUDED FROM THE ANNEXATION AREA PURSUANT TO

- 1 THIS SUBSECTION MAY SUBSEQUENTLY BE ANNEXED WITH THE PERMISSION OF THE BOARD
2 OF SUPERVISORS NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION. For the
3 purposes of this subsection, "public lands":
4 1. Has the same meaning prescribed in section 37-901.
5 2. DOES NOT INCLUDE LANDS OWNED BY A FLOOD CONTROL DISTRICT.

APPROVED BY THE GOVERNOR MAY 5, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2003.



Passed the House February 18, 2003

Passed the Senate April 8, 2003

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Klu Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Belongia
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2210

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 29, 2003,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jack Elah
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2003,

at 11:00 o'clock A. M.

Randa Ramirez
Secretary to the Governor

Approved this 5 day of

May, 2003,

at 10:50 o'clock A. M.

Jon R. Norht
Governor of Arizona

H.B. 2210

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of May, 2003,

at 3:59 o'clock P. M.

James K. Brewer
Secretary of State